

**MSBA – ADR Section Meeting
October 13, 2009**

Minutes

The meeting, held at University of St. Thomas School of Law, was called to order at approximately 12:10 p.m. A list of attendees is attached.

1. Greetings. John Schulz, filling in for Madge Thorsen, welcomed the attendees.
2. Treasurer's Reports. David Lauth reported that as of 8/31/09, the most recent statement, the section had a balance of \$15,385.
3. Legislative Update. David Allgeyer summarized recent action on the RUAA by the MSBA legislative subcommittee proposing amendments to language concerning effective date, depositions, expert witness fees, and punitive damages. Previously the section voted in favor of passage of the RUAA. Proposed RUAA legislation and related documents are posted on ADR section website. **Motion made and passed** by the Section to approve the version of the RUAA as amended. The Uniform Collaborative Law Act has been approved by the Uniform Law Commissioners, and legislation may be introduced in the upcoming session.
4. Monthly CLE Programs. The interim-chair reported that three programs are set for this year, including today's discussion of pre-dispute arbitration clauses with Attorney General Lori Swanson and former Supreme Court Justice James Gilbert, November's program with "Boys to Men Circle Group" with Oscar Reed and students from St. Louis Park High School, and December's program on ADR in El Salvador and China with Judge Carmen Molina and a law professor from the University of Beijing. The section also anticipates a program with the Patrick Henry Peer Mediation participants.
5. Other Business.

MSBA Liaisons: Elise Peterson is the New Lawyer liaison. Brian Bell is the liaison for those interested in coaching peer mediation.

Grant Program. Application deadline is November 15, 2009. Grants up to \$5,000 may be awarded through the grant program again this year; members are encouraged to advise organizations of the application deadline, or to put them in touch with the ADR council.

Future CLE programs. The interim-chair noted that today's meeting is here due to scheduling with bar association rooms.

Volunteers for Patrick Henry Peer Mediation Program. The interim-chair asked members interested in coaching peer mediation program to contact Brian Bell. Clinics will be held Tuesdays and Thursdays from 1:30-3:30 pm.

Reminder . The 12th Annual ADR Institute will be held on October 30, 2009. Member Jan Frankman encouraged the section to apply for Elimination of Bias credits for this and other relevant programs in the future.

6. Program: Mandatory Pre-dispute Arbitration Clauses – Where Do We Go From Here?

General Lori Swanson and former Supreme Court Justice James Gilbert discussed the Arbitration Fairness Act, Federal Arbitration Act, and settlement ending mandatory arbitration of consumer credit card disputes by National Arbitration Forum and others, and issues such as unequal bargaining, unknowing forfeiture of rights, contracts of adhesion, bias in selection of arbitrators, inadequate notice of process to consumers, abuse of administrative process, concealment of interlocking nature of businesses and directories to create “arbitration ecosystem” to collect debts, implications for influx of these cases into the court system, as well as emerging use of mandatory arbitration clauses in other areas such as securities and health care. Members brought up need for policing of abuses as well as consumer education as to what are good practices.

The meeting adjourned at approximately 1:30 p.m.

Respectfully submitted,

Cynthia C. Waters, Secretary